

**WASHINGTON COUNTY COMMISSION MEETING**  
**MINUTES**  
**JULY 7, 2009**

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman James J. Eardley at 4:00 p.m. on July 7, 2009, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Commission Chairman James J. Eardley, Commissioner Alan D. Gardner, Commissioner Dennis Drake, County Administrator Dean J. Cox, Deputy County Attorney David L. Patterson, and Deputy County Clerk Christine Hall.

*The Spectrum* was represented by Patrice St. Germain at the meeting.

Commissioner Gardner led the Pledge of Allegiance.

**AGENDA**

**CONSENT AGENDA:**

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the regular agenda.

- Consideration of Auditor-Approved Claims for Payment for June 17, 2009, through July 7, 2009
- Consideration of Approval of Regular Commission Meeting Minutes of June 16, 2009
- Consideration of Applications for Property Tax Abatement (2):  
Irene Pollock, Serial Number SG-1501-A-2-A-1; and David & Joan Baker, Serial Number SG-VR-2-113
- Consideration of Administrative Adjustments: Real Property
- Consideration of Board of Equalization Adjustments: Personal Property

**ACTIONS OF THE WASHINGTON COUNTY PLANNING COMMISSION MEETING**  
**/06-23-09**

**CONDITIONAL USE PERMIT.** Request permission to install a water tank at the St. George City Airport, with water lines and joint utility trench in the Right-Of-Way to the airport, within the OST-20 zone in the unincorporated area of the County. St. George City, applicant.

In November of 2007, the Boundary Commission held hearings on a protest made by St. George City on the Peterson Annexation to Washington City in the vicinity of the new airport. The boundaries between the two communities were resolved and both agreed to also clear up a

portion of the County Island created between the two cities. One and a half years later, the annexation plat has never been recorded. The development of a water tank and distribution lines are ready to be installed, with the property being within the OST-20 zone in the unincorporated area of the county. Thus, the request for a Conditional Use Permit with the County for public utilities and transmission lines, which are conditionally approved within the OST zone.

The Planning Commission unanimously voted to recommend approval on a Conditional Use Permit to install a water tank at the St. George City Airport, with water lines and joint utility trench in the Right-of-Way to the airport, for a period of one (1) year, subject to following the building standards of St. George City.

**CONDITIONAL USE PERMIT.** Request permission on construction of the St. George City Airport buildings, within the OST-20 zone in the unincorporated areas of the county. St. George City, applicant.

Bids have been presented to the City and contractors are ready to obtain building permits for construction on the airport facilities (terminal), which are conditionally approved within the OST-20 zone. The Planning Commission voted unanimously to recommend approval on a Conditional Use Permit on construction of the St. George City Airport buildings, subject to following the building standards of St. George City, and that all inspections will be done by St. George City, also subject to the indemnification agreement between St. George City and Washington County, specifically that the County will not have any liability, also to include that future conditional use permits requested will be handled on a Staff level, for a period of one (1) year.

**CONDITIONAL USE PERMIT.** Request permission to construct a motocross and ATV track within the OST-20 zone, containing 20 acres, a portion of Section 15, T39S, R16W, SLB&M, generally located east of Hwy 18 on North Baker Lake Road and 300 East in Central. Robert and Mary Houston, applicants and Gary Simonson, agent.

A zone change was approved on this property at a previous meeting. The applicant requests a motocross and ATV track, which is for personal and public use, with several scheduled events each year. The commission determined this zone was similar and compatible with surrounding land use and will need to make findings that the use is consistent or similar with the characteristics and purposes stated for the zone. The proposed use requested is similar to the gravel pits, trail uses, and private recreation grounds and facilities allowed conditionally within the OST-20 zone. The commission addressed concerns about noise and dust pollution, parking, ingress and egress for safe travel, hours of operation, water, sanitary facilities, and liability insurance and emergency services available.

Findings:

- In harmony with other uses, such as trails and trail rides, private recreation grounds
- Safety has been taken into consideration with regard to traffic control
- Emergency vehicles will be available, including EMTs
- Signage, fencing, and adequate parking will be provided
- Gate will be locked when not in use
- Garbage receptacles will be provided
- Hours of operation will be summer, daylight only from 8:00 a.m. to 8:00 p.m., with no lighting needed

The Planning Commission voted unanimously to recommend approval for a Conditional Use Permit to construct a motocross and ATV track within the OST-20 zone, generally located east of Hwy. 18 on North Baker Lake Road and 300 East in Central, and based on findings that the proposed use is not detrimental to public health, safety, or welfare because of the specific findings listed, for a period of one (1) year.

**MOTION: Motion by Commissioner Gardner to Approve the Consent Agenda, as presented. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**MOTION: Motion by Commissioner Gardner to move Item No. 17 from the Regular Agenda to follow immediately after Item No. 12. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

#### **REGULAR AGENDA ITEMS FOR CONSIDERATION:**

#### **VOLUNTEER OF THE MONTH / LINDA SAPPINGTON**

No presentations were made today.

#### **PURCHASE REQUESTS / MARK BLANCH**

- Dixie Center, carpet tile .....\$ 29,400.00
- Road Department, oil for road chipping project on Gunlock Road .... 127,698.55

Mr. Blanch requested that the Dixie Center purchase request be tabled, as the amount requires readjustment.

*All purchases are budgeted, bonded, or paid for through grant funds.*

**MOTION: Motion by Commissioner Drake to Table the Dixie Center Purchase Request and Approve the Road Department Request. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**PRESENTATION OF SERVICE AWARDS TO WASHINGTON COUNTY EMPLOYEES**

**MOTION:** Motion by Commissioner Drake to strike this item from the Agenda. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**PRESENTATION OF BUSINESS PATRIOT AWARD TO GREGCO SUPPLY, INC.**

Commissioner Drake noted that Mr. Greg Hannick of Gregco Supply, Inc., was not present to accept this award, which certifies that his employees are all work eligible in the County. His certificate will be mailed to his office.

**PRESENTATION: PROGRESS OF WASHINGTON COUNTY MARRIAGE COALITION PROJECT / CAROLYN WASHBURN, UTAH STATE UNIVERSITY EXTENSION OFFICE**

Carolyn Washburn from the Utah State University Extension Office presented an update on the success of the Marriage Coalition Project in Washington County. Copies of documents she furnished to the Commissioners are attached to these minutes.

Ms. Washburn reported that this program has been in place for five (5) years. In 2005, divorces in America were fifty percent (50%) of total marriages; and the divorce rate in Washington County was the highest in the state (and the nation). One reason may be that more people marry in Utah than in any other state, and specifically in Washington County, possibly due to the steady influx of people moving into this area. The Marriage Coalition Project has been trying to reduce that statistic, and it had dropped to four point five percent (4.5%) in 2005 in Washington County. Every divorce costs each taxpayer three hundred dollars (\$300) in child care, food stamps, nutritional programs, etc.. In 2006, out of twelve hundred (1200) marriages, one thousand (1,000) ended in divorce and/or protective orders. In 2008, there were one thousand and ninety (1190) marriages and one thousand one hundred and forty-eight (1148) divorces and protective orders.

The state has granted forty thousand dollars (\$40,000.00) this year to improve the County's marriage education program. If couples would spend six (6) hours a year in marriage enrichment, it has been proven that they will have more successful marriages. Every Monday night couples can come for a free dinner, including free child care; and if they attend a domestic violence prevention class, they get a twenty dollar (\$20) food card. When couples leave the class, most say that it helped their marriage.

Chairman Eardley asked why Washington County has such a high divorce rate, and Ms. Washburn speculated that girls marry younger here than in other counties. There is also an influx of people moving into this county as opposed to other counties. Additionally,

the cost of living is higher in Washington County, resulting in young couples with greater debt.

The County's budget has been reduced to twenty-five thousand dollars (\$25,000.00) this year, because, being a pilot program, we have to share funding with other counties (Iron and Beaver, for example) who want to adopt our program.

**PUBLIC HEARING TO RECEIVE INPUT AND DISCUSS MAKING APPLICATION TO THE COMMUNITY IMPACT BOARD FOR A PROJECT TO BUILD THE WASHINGTON COUNTY ATTORNEY'S OFFICE**

Chairman Eardley opened the public hearing to discuss the application to the Community Impact Board (CIB) to build a new County Attorney's office building. Washington County Attorney Brock Belnap explained that this project has been discussed for several years. A new state courthouse is currently under construction on Tabernacle Street. Because the County prosecutors are in court every single day, all day long, it has been beneficial and efficient to be located directly across from the courthouse. Mr. Belnap said that funding does not currently exist for this project, but the County could apply to the CIB program with a view towards eventually obtaining a low-interest loan to fund the project. The new courthouse is expected to be ready in January of 2010.

Chairman Eardley stated that the Commission supports this project, which makes sense as the attorneys are constantly back and forth to the courthouse. This would be approximately a four million dollar project for an eighteen thousand (18,000) sq. ft. building at about two and one half percent (2-1/2%) interest over twenty (20) years. The present Attorney's Office building is six thousand (6,000) sq. ft., or roughly one third the size that is necessary. That size will suffice until at least the year 2030. Additionally, some of the cost can be defrayed by renting out space in the building to other governmental agencies, as is currently being done.

Mayor Dan McGuire of Rockville asked if anyone had considered using temporary buildings, like the modulars that are used at some local schools; Mr. Belnap said that might work because there is land adjacent to the courthouse that is owned by the County.

County Administrator Dean Cox added that this public hearing is a necessary procedural element in the application process to receive monies from the CIB. At this time it is unknown whether this application will be funded, but if the County were awarded the four million dollar (\$4,000,000.00) grant to build this facility, and if potential sources of revenue were not sufficient to repay the debt, then the taxpayers would be liable to repay the indebtedness. The County owns the current Attorney's Office building, which could be sold or leased.

Commissioner Gardner pointed out that one advantage to applying now for this loan is that when bids come in, they will tend to be lower than they might be in the future because of the current economic condition.

Seeing no other persons wishing to speak, Chairman Eardley closed the public hearing.

**CONSIDERATION OF REQUEST OF TOWN OF SPRINGDALE TO ADMINISTER THE VARIOUS VOTING DISTRICTS BY ABSENTEE BALLOT, PURSUANT TO STATE CODE SECTION 20a-3-302**

Rick Wixom, Town Manager of Springdale, said that representatives from Apple Valley, Springdale, Rockville, Virgin, Leeds, and LaVerkin were present at today's meeting. The Town of Springdale is leading a coalition of several small towns with precincts of less than five hundred (500) people to petition the County Commission to permit small precincts to use absentee ballots in conjunction with mail-in voting. Mr. Wixom cited an economic benefit, whereby voting by mail costs less than voting by machine. He also promoted the benefit of having a consistent way of voting to eliminate confusion among some residents.

Melanie Abplanalp from the Clerk Auditor's Office explained that all communities represented today do have less than five hundred (500) registered voters in their precincts, giving them the opportunity to try this method of voting in remote polling districts. She provided a breakdown of costs (a copy of which is attached to these minutes) that the County typically charges the cities for using the County's electronic equipment for municipal elections. Such costs include: hardware, supplies, ballot layout, elections services, County staff, logic and accuracy testing, training poll workers, delivery and pickup of machines.

Mayor McGuire of Rockville encouraged the County Commission to support this request. Most residents of Rockville are senior citizens, who often have trouble getting to the polls (especially if they are in Springdale). If they go to the wrong place they will just go home and not vote at all. Voter turnout in the County is poor, and this may encourage more people to vote. It would be helpful for them to vote at home, he said, and be able to think through the ballot and not be rushed as they are when standing in a polling booth.

Chairman Eardley expressed the dissenting opinion that voting by mail may not be a good idea. People who take the trouble to physically go to a polling place tend to be more involved, and, thus, better informed about the issues. There is always the possibility that when a ballot arrives in the mail, people may simply mark boxes randomly. A less informed electorate may be a result of the mail-in system of voting.

**MOTION: Motion by Commissioner Drake to Approve the Request from the Town of Springdale to Administer Various Voting Districts by Absentee Ballot, Pursuant to State Code Section 20a-3-302, only as pertains to the upcoming Municipal Election on November 3, 2009. After this election cycle, the Commissioners will Review Available Election Data and determine the feasibility of continuing with that practice or reverting to the previous voting method. Motion seconded**

by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**CONSIDERATION OF ADOPTION OF ORDINANCE NO. 2009-979-O, AN ORDINANCE AMENDING AND SUPERSEDING TITLE 11-4-2 B OF THE WASHINGTON COUNTY CODE (FINAL PLAT FORMS)**

**MOTION:** Motion by Commissioner Drake to Adopt Ordinance No. 2009-979-O, An Ordinance Amending And Superseding Title 11-4-2 B Of The Washington County Code (Final Plat Forms). Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2009-1349, A RESOLUTION RE-APPOINTING THREE (3) MEMBERS TO THE WASHINGTON COUNTY PUBLIC LIBRARY BOARD OF TRUSTEES**

**MOTION:** Motion by Commissioner Gardner to Re-Appoint Susan Hancock, Paul Jordan, and Gayle Rhode to the Washington County Public Library Board of Trustees, with terms to expire June 30, 2013. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2009-1350, A RESOLUTION APPOINTING A MEMBER TO THE WASHINGTON COUNTY COUNCIL ON AGING ADVISORY BOARD**

**MOTION:** Motion by Commissioner Gardner to Appoint Sharon Ott to the Washington County Council on Aging Advisory Board, with a term to expire July 7, 2012. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2009-1351, A RESOLUTION APPOINTING A MEMBER TO THE FIVE COUNTY AGING & NUTRITION SERVICES ADVISORY COUNCIL BOARD**

**MOTION:** Motion by Commissioner Drake to Appoint Sharon Ott to the Five County Aging & Nutrition Services Advisory Council Board, with a term to expire July 7, 2012. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2009-1352, A RESOLUTION APPROVING THE EXECUTION OF THE AMENDED RESTATED INTERLOCAL COOPERATION AGREEMENT (MCAT AGREEMENT)**

Washington County Appraiser Arthur L. Partridge explained that adoption of this agreement will benefit the County financially. All other counties in Utah, through the Multi-County Appraisal Trust (MCAT), will be using the proper appraisal software that Washington County has been using for several years, and there will be a financial offset for the County's initial purchase price.

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2009-1352, A Resolution Approving The Execution Of The Amended Restated Interlocal Cooperation Agreement (MCAT Agreement). Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**AWARD OF BID TO CONSTRUCT 70 X 90 FOOT REINFORCED CONCRETE PAD AT REGIONAL PARK FAIRGROUNDS**

Washington County Public Works Director Ron Whitehead said that this job was put out to bid, and the low bidder was Classic Builders, Inc., with a total price of twenty-four thousand, nine hundred and seventy-two dollars and ninety-one cents (\$24,972.91).

**MOTION: Motion by Commissioner Gardner to Award Bid To Construct 70 X 90 Foot Reinforced Concrete Pad At Regional Park Fairgrounds to Classic Builders at the price of twenty-four thousand, nine hundred and seventy-two dollars and ninety-one cents \$24,972.91. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2009-1353, A RESOLUTION APPROVING THE EXECUTION OF AN AGREEMENT FOR THE CONSTRUCTION OF A CONCRETE PAD FOR A FUTURE BUILDING AT THE WASHINGTON COUNTY REGIONAL PARK**

This resolution approves the agreement with Classic Builders, Inc., for the bid previously awarded.

**MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2009-1353, A Resolution Approving The Execution Of An Agreement For The Construction Of A Concrete Pad For A Future Building At The Washington County Regional Park. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF ROAD DEDICATION: APPROVAL OF AN EXTENSION OF THE BANDED HILLS DRIVE, A ROAD DEDICATION PLAT "BANDED HILLS DRIVE EXTENDED," LOCATED IN SECTION 15, T43S, R15W,**



**SLB&M, COUNTY UNINCORPORATED / ST. GEORGE CITY AND UTAH  
STATE TRUST LANDS, APPLICANTS**

Washington County Planner Deon Goheen advised that in November of 2007, the Boundary Commission held hearings on a protest made by St. George City on the Peterson Annexation to Washington City in the vicinity of the new airport. The boundaries between the two communities were resolved and both agreed to also clear up a portion of the County Island created between the two cities. The annexation plat has never been recorded, and this road dedication plat is a continuation of a St. George City street, which extends into the County's jurisdiction. Banded Hills Drive Extended is a sixty foot (60') right-of-way that extends beyond Banded Hills Drive, which is a portion of this plat. The Planning Commission unanimously voted to recommend approval of an extension of the Banded Hills Drive located in Section 15, T43S, R15W, SLB&M, subject to following the building standards of St. George City.

**MOTION: Motion by Commissioner Drake to Approve An Extension Of The Banded Hills Drive, A Road Dedication Plat "Banded Hills Drive Extended," Located In Section 15, T43S, R15W, SLB&M, County Unincorporated / St. George City And Utah State Trust Lands, Applicants. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF ROAD DEDICATION: 270 EAST AND 1670 SOUTH STREET**

Mr. Whitehead said that this road is in the vicinity of the Dixie Center, and by virtue of this road dedication the County is signing off as a property owner.

**MOTION: Motion by Commissioner Gardner to Approve Road Dedication of 270 East And 1670 South Street, as presented. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF RELEASE OF WARRANTY BOND IN THE AMOUNT  
OF FOUR THOUSAND DOLLARS (\$4,000.00) FOR KOLOB RANCHES  
SUBDIVISION, PHASE 4**

As the improvements have been inspected, Mr. Whitehead requested the Commission to release the warranty bond on this subdivision subject to final approval of the Public Works Director.

**MOTION: Motion by Commissioner Gardner to Approve Release Of Warranty Bond In The Amount Of Four Thousand Dollars (\$4,000.00) For Kolob Ranches Subdivision, Phase 4, subject to final approval by the Washington County Public Works Director. Motion seconded by**

**Commissioner Drake and carried by unanimous vote, with  
Commissioners Eardley, Gardner, and Drake voting aye.**

**PUBLIC WORKS OR ROAD BUSINESS**

Mr. Whitehead advised that the Road Department is nearly finished with its chip sealing of the Gunlock Highway from Highway 91 into Gunlock.

**COUNTY DEVELOPMENT AND PLANNING BUSINESS**

No items were presented today.

***Request an Executive Session***

None.

There being nothing further to come before the Commission, the meeting was adjourned at 5:25 p.m.

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CHRISTINE S. HALL  
DEPUTY CLERK

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JAMES J. EARDLEY  
CHAIRMAN